

June 17, 2004

ENERGY & ENVIRONMENT
COMMITTEE
REPORT NO. 9

ALL MEMBERS PRESENT. CHAIRMAN HOLT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, that the following items are hereby received and filed.
 - a.

Item	Page	-2004	(Comm. 13E-29)
COUNTY EXECUTIVE: ECSD's Nos. 1, 4 & 5 – Engineering Service Agreements (Comm. 18E-41). (5-0)			
 - b.

Item	Page	-2004	(Comm. 13E-30)
COUNTY EXECUTIVE: EC/Southtowns Sewage Treatment Agency – Engineering Service Agreement – 4/20/00 – Change Order No. 4. (5-0)			
 - c.

Item	Page	-2004	(Intro. 13-15)
DUSZA: NFG Investigation. (6-0) Chairman Holt present as Ex-Officio Member.			
 - d.

Item	Page	-2004	(Comm. 13D-2)
DEP: SEQR – Lead Agency Status – North Creek Sub-Trunk Sanitary Sewer. (5-0)			
2.

Item	Page	-2004	AS AMENDED (Comm. 20E-41)
COUNTY EXECUTIVE			

RESOLUTION NO. _____

RESOLUTION DATED _____, 2004

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED INCREASE AND IMPROVEMENT OF THE FACILITIES OF ERIE COUNTY SEWER DISTRICT NO. 2 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) _____, 2004.
(Adopted) _____, 2004

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 2 of the County of Erie, New York, has heretofore been established, and

WHEREAS, there has been prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed increase and improvement of the facilities of said District No. 2 which report and estimate of cost have been approved by the Board of Managers of said District on April 22, 2004 and filed with the County Legislature pursuant to Section 268 of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed increase and improvement of the facilities of said District No. 2 in said County, consisting of the replacement of two (2) sewage pumping stations, the Lake Street and Point Breeze Stations and related force mains, including the construction of a facility to house new standby generators, load banks and automatic transfer switches along with required instrumentation and controls and related improvements to the existing Big Sister Creek Wastewater Treatment Plant, all as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of said Sewer District No. 2 is \$10,840,000 to be assessed against a benefited area which consists of the entire area of said Sewer District No. 2; and

WHEREAS, the consent of the State Comptroller must be obtained prior to the expenditure for said increase and improvement if such expenditure is to be financed by the issuance of bonds or notes of the County therefor, and the cost thereof to the Typical Property (as defined in the County Law), which is \$52.29, is above the Average Estimated Cost of \$11.00 to the Typical Properties for similar types of expenditures, as computed by the State Comptroller, in accordance with the provisions of Section 268 of the County Law; and

WHEREAS, it is now desired to call a public hearing to consider said increase and improvement in accordance with the provisions of Section 254 of the County Law; NOW, THEREFORE, BE IT

RESOLVED, BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street 2nd Floor Part 6 Buffalo, New York, in said County, on the 9th day of September, 2004, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposed increase and improvement of facilities of Erie County Sewer District No. 2 in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law or proper in the premises.

Section 2. The notice of such public hearing shall be in substantially the following form, to-wit:

Section 3. The Clerk of said County Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing as set forth in Section 2 hereof to be published once in "Front Page" and in "Hamburg Sun," the official newspapers of said County, not less than ten nor more than twenty days before the date set herein for said public hearing. The Clerk is hereby further

authorized and directed to file a certified copy of the Notice of Public Hearing with the Comptroller of the State of New York on or about the date of the publication of the Notice of Public Hearing.

Section 4. This resolution shall take-effect immediately.

(5-0)

3.	Item	Page	-2004	AS AMENDED (Comm. 11E-25)
	COUNTY EXECUTIVE			

WHEREAS, the Erie County Department of Environment and Planning has received the following low bid for the North Main Street (Route 62) Low Pressure Sanitary Sewer System Project, Contract No. 70, on June 8, 2004,

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract No. 70	Kandey Company, Inc. 19 Ransier Drive West Seneca, New York 14224	\$242,949.20

and

WHEREAS, the aforementioned bidder has been recognized as successfully performing similar work.

NOW, THEREFORE; BE IT

RESOLVED, that the North Main Street (Route 62) Low Pressure Sanitary Sewer System Project, Contract No. 70, be awarded to the low bidder as follows:

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract No. 70	Kandey Company, Inc. 19 Ransier Drive West Seneca, New York 14224	\$242,949.20

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned low bidder subject to approval as to form by the County Attorney and certification of availability of funds from the Sewer Capital Account of Erie County Sewer District No. 2, C.00036 (430-913) or an authorized advance from the General Fund by the Comptroller's Office; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate \$242,949.20 from the Sewer Capital Account of Erie County Sewer District No. 2, C.00036 (430-913), and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy of this resolution to Joel A. Giambra, County Executive; two (2) certified copies to Charles J. Alessi, P.E., Department of Environment and Planning; and one certified copy to Nancy Naples, Erie County Comptroller's Office; Gregory Dudek, Assistant County Attorney; and John S. Rizzo, Deputy Comptroller.
(5-0)

RAYMOND K. DUSZA
CHAIRMAN